

Policy Proposal – Strengthen the Smokefree Air Act

Purpose of the Proposal

The proposal would strengthen the Smokefree Air Act by changing the definition of “smoking” in Iowa Code section 142D.2(21) to include the use of vapor products, insert the definition of vapor products from Iowa Code section 453A.1, and update the purpose section to conform.

According to the Centers for Disease Control and Prevention (CDC), there is no safe tobacco product, and all tobacco products, including e-cigarettes, carry a risk. Electronic cigarettes, or e-cigarettes, work by heating a liquid to produce an aerosol that users inhale in to their lungs. Those nearby may also be exposed to the chemicals from the liquid as it is heated, inhaled and exhaled.

Background

In the spring of 2008, Iowa lawmakers passed legislation to protect employees and the general public. The Smokefree air Act (ISAA) prohibits smoking in enclosed areas within places of employment as well as some outdoor areas.

- **Restaurants** - The ISAA identifies a restaurant as an establishment which offers food to the public, guests, or employees. The ISAA prohibits smoking in the outdoor seating or serving areas of restaurants. If the outdoor area contains seating of any kind (i.e., chairs, benches, picnic tables, stools, etc.), smoking is prohibited. Further, if staff serves food or beverages to patrons in the outdoor area, smoking is prohibited
- **Bars** - The ISAA identifies a bar as an establishment where alcoholic beverages may be purchased for consumption on the premises, and in which food service is limited to prepackaged snack foods, popcorn, peanuts, and the reheating of commercially prepared foods that do not require assembly. The ISAA does not regulate smoking in outdoor areas of bars and smoking can be allowed on patios, decks or any other outdoor areas of bars.
- **Entertainment** - Finally, if bars or restaurants provide entertainment (i.e., live band, comedian, etc.), the ISAA prohibits smoking in all outdoor areas where people can witness the entertainment. These areas include seating, standing room only, festival style seating or any area where people congregate to experience the entertainment.
- **Electronic cigarettes or E-cigarettes** – E-cigarettes as defined by the CDC – work by heating a liquid to produce an aerosol that users inhale into their lungs. The liquid can contain: nicotine, tetrahydrocannabinol (THC) and cannabidiol (CBD) oils, and other substances, flavorings, and additives. E-cigarettes are also called vapes, e-hookahs, vape pens, tank systems, mods, and electronic nicotine delivery systems (ENDS).
- **Vaping** - Using an e-cigarette is commonly called vaping. Vaping can refer to using e-cigarettes to inhale many substances, including nicotine, and THC or CBD oils.

Current Language

Iowa Code section 142D.1 Title — findings — purpose. 1. This chapter shall be known and may be cited as the “Smokefree Air Act”. 2. The general assembly finds that environmental tobacco smoke causes and exacerbates disease in nonsmoking adults and children. These findings are sufficient to warrant measures that regulate smoking in public places, places of employment, and outdoor areas in order to protect the public health and the health of employees. 3. The purpose of this chapter is to reduce the level of exposure by the general public and employees to environmental tobacco smoke in order to improve the public health of Iowans. 2008 Acts, ch 1084, §1

Iowa Code section 142D.2(21). “Smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other tobacco product in any manner or in any form. “Smoking” does not include smoking that is associated with a recognized religious ceremony, ritual, or activity, including but not limited to burning of incense.

Iowa Code section 453A.1(29). “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States food and drug administration under chapter V of the federal Food, Drug, and Cosmetic Act.

Proposed Language

Update Purpose Language:

INSERT and Strike - 142D.1 Title — findings — purpose. 1. This chapter shall be known and may be cited as the “Smokefree Air Act”. 2. The general assembly finds that environmental tobacco smoke and vapor products ~~causes~~ and exacerbates disease in nonsmoking adults and children. These findings are sufficient to warrant measures that regulate smoking in public places, places of employment, and outdoor areas in order to protect the public health and the health of employees. 3. The purpose of this chapter is to reduce the level of exposure by the general public and employees to environmental tobacco smoke and vapor products in order to improve the public health of Iowans. 2008 Acts, ch 1084, §1



Update Definition of Smoking:

INSERT 142D.2(21) "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, ~~or~~ other tobacco product, or vapor product, in any manner or in any form. "Smoking" does not include smoking that is associated with a recognized religious ceremony, ritual, or activity, including but not limited to burning of incense.

Add Definition of Vapor product from 453A.1(29):

INSERT new 142D.2(23) "Vapor product" means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. "Vapor product" includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States food and drug administration under chapter V of the federal Food, Drug, and Cosmetic Act.

More Information

Additional resources on the Smokefree Air Act are found here: <https://smokefreeair.iowa.gov/>